

## Local Records Retention Schedules

Missouri Revised Statutes Chapter 109 (Public and Business Records) Section 255 authorizes the Local Records Board to establish minimum retention periods for the administrative, fiscal and legal records created by local governments.

Retention and disposition of records that are common to many offices are included in the General Schedule. Records unique to particular offices are addressed in individual office schedules.

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August 2014

## Prosecutor Records Retention Schedule

See also the [General Records Retention Schedule](#).

### Using this Records Retention Schedule

Everyday local government offices throughout Missouri produce records that document the rights of citizens, the actions of the government that serves them and the history of the community in which they live. It is the responsibility of local government to effectively maintain and manage these records and to ensure the continued preservation of those records of essential evidence that have enduring and permanent value.

The introduction to this retention schedule provides local government officials with basic information on records and the application of retention schedules.

### What is a Record?

A "**record**" is defined as any "document, book, paper, photograph, map, sound recording or other material, regardless of physical form or characteristics, made or received pursuant to law or in connection with the transaction of official business" (109.210(5) RSMo). This definition includes those records created, used and maintained in electronic form.

### Non-Records

Even though records include a broad spectrum of recorded information, not all recorded information is a record. According to Section 109.210(5) RSMo, the following are not records: "...Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of records..."

Other examples of non-records include the following materials:

- Identical copies of documents maintained in the same file.
- Extra copies of printed or processed materials (official copies of which are retained by the office of record).
- Superseded manuals and other directives (maintained outside the office of record).
- Materials documenting employee fringe activities (blood donors, charitable funds, social and professional meetings, etc.)
- Work papers and drafts of reports or correspondence. Transcribed stenographic materials.
- Blank forms.
- Materials received from other activities that require no action (official copies of which are retained by the office of record).
- Catalogs, trade journals and other publications or papers received from government agencies, commercial firms or private institutions that require no action and are not part of an action case record.

Non-records do not require retention scheduling or destruction authorization or reporting. To control excessive accumulation, it is necessary to keep only current, useful materials and to destroy non-records immediately after needs have been satisfied. Avoid filing non-record material with records.

### **The Value of Local Government Records**

Some records, because of their enduring administrative, fiscal, legal or historical value, should be permanently retained. These records require that special care and consideration be given to their storage conditions and the feasibility of preservation microfilming. Examples of permanent records include year-end reports; minutes; property records such as deeds; and birth, death and marriage records. Most records do not have values that warrant their permanent preservation. Those records with short-term value should, upon reaching end of the retention period, be destroyed.

### **Statutory Authority for Establishing Records Retention Requirements**

In 1965, the Missouri General Assembly established a State Records Commission to approve retentions for records produced by state agencies. In 1972, Missouri's Business and Public Records Law (Chapter 109) was expanded to include local government. Thus, the Missouri Local Records Board was established to set retention times for local government records. The 16-member board, chaired by the Secretary of State, consists of local government officials from all classes of counties and cities, elementary and secondary education, higher education and a person active in historical society groups. Supplemental to the Local Records Board, the Records Management and Archives Service of the Secretary of State's office provides assistance to local governments and implements board policy.

### **Application of the Records Retention Schedule**

This schedule establishes minimum retention periods and authorizes dispositions for many of the administrative, fiscal and legal records common to most local governments. Retention periods are based upon federal and state mandates, record surveys, business needs, and general knowledge as to how long records should be kept. Using the schedule as a guide and without seeking further approval from the Local Records Board, any local government may regularly dispose of any of its records that appear on this schedule. The schedule is subject to the following exceptions and limitations:

- A. Local government offices may retain any of their records beyond the retention periods set by the schedule, as they deem necessary. The schedule establishes only a minimum period of retention. Before retaining a record longer than the minimum time required, however, the office should be certain that it has good reason to do so. Unnecessary retention of records can be expensive in space and filing equipment and may expose the office to costly litigation and discovery requirements.
- B. This schedule does not relieve local governments of retention requirements mandated by other state and federal statutes and regulations. When such an obligation does exist, then the longer retention period takes precedence.
- C. This schedule generally reflects audit requirements in its prescribed retention periods, but audits are not always completed in a timely fashion. Therefore, any record required for an audit must be retained until completion of that audit, regardless of its stated retention period in the schedule.
- D. This schedule does not authorize destruction of records that could be deemed relevant to current or pending litigation.

Retention and disposition of records that are common to many offices are included in the General Schedule. Records unique to particular offices are addressed in individual office schedules. All schedules are available on the Secretary of State's website at <http://www.sos.mo.gov/archives/localrecs/schedules>

### **Destruction of Records**

The records classification and retention periods in this manual constitute legal authority for retention and disposal of official records. No records can be destroyed until they meet the minimum retention period listed in this manual. In cases where there is no schedule for a particular record series, the Local Records Board must grant permission for the destruction.

The disposition of records should be recorded in a document such as the minutes of the city council or other legally constituted authority that has permanent record status. The record should include the description and quantity of each record series disposed of, manner of destruction, inclusive dates covered and the date on which destruction was accomplished.

The retention schedule does not prescribe the method of destruction (shredding, burning, landfills, etc.), however, record series with a disposition of *Destroy securely* contain confidential data. These records should be destroyed under the supervision of a competent person(s) designated (or appointed) to ensure that no records fall into unauthorized hands and that the data cannot be reconstructed.

When records, open or confidential, have been destroyed by decay, vermin, fire, water or other means making their remains illegible, the custodian of records may dispose of the remains after verification and documentation by the Local Records Program, Office of the Secretary of State.

### **Preservation of Permanent Records**

A fundamental, yet often neglected obligation of local government is to care for its permanent records—in this case, some of the records that it generates and receives. The records that have been identified as permanent require special handling and storage if they are to be preserved. The continuous interaction between a record's medium—paper, magnetic tape, film, etc.—and the quality of the environment in which it is kept—temperature, humidity, light, and air—determines the severity and rate of its deterioration.

By microfilming older, deteriorating, but permanently valuable records, local governments can generate durable copies for research and prevent further damage or deterioration of the original. When filmed, processed, and maintained to archival specifications, the master negative will ensure that permanently valuable records are preserved for generations to come.

*The Missouri Local Records Grant program can provide financial assistance in the form of grants-in-aid to supplement local funds for preservation initiatives, such as archival supplies, shelving and preservation microfilming.*

### **Reformatting Standards**

In accordance with RSMo 109.241.4, the Local Records Board has adopted the following standards for microfilm and digitized records. To be in compliance for image permanence, microfilm must conform to the technical standards outlined in the *Guidelines for Microfilming Public Records*, drafted by the Local Records Program and available on the Secretary of State's website at:

<http://www.sos.mo.gov/archives/pubs/mfmfg>. To ensure the permanence of electronic records and digitized records, electronic records management systems must meet the standards outlined in the most current version of ISO 15489. Certification that records have been reformatted in accordance with these standards should be maintained locally and classified under *General Records Retention Schedule* "GS 018 Records Management Records."

### **A Note about Electronic Records**

Permanent records existing solely in electronic form are in danger of becoming inaccessible through media decay and hardware/software obsolescence. Periodic migration and transfer of permanent records to stable preservation media, such as microfilm, should be considered as a best practice for local government to fulfill its statutory responsibility to maintain permanent records.

### **A Note about Retention Periods**

This schedule provides minimum retentions. Local authorities may choose to keep a particular series or record for a longer period of time. It should be kept in mind, however, that a record kept beyond its listed retention must be made available for inspection upon request.

The point at which a retention period begins is termed a cutoff, or trigger. Typically this is on a regular cycle—the end of the calendar year, the end of the fiscal year, etc. This is the period of the inactive record. A traditional example of this would be the period when records are boxed and removed from active file cabinets and work areas.

When determining cutoffs, a good rubric is outlined in DoD 5015.02 "Electronic Records Management Software Applications Design Criteria Standard":

- A. retention periods of less than 1 Year, the cutoff is equal to the retention period;
- B. retention periods of 1 Year, or more, the cutoff is at the end of the fiscal or calendar year;

- C. for records with a retention period based on an event or action, the cutoff is the date the action is completed;
- D. for records with a retention period based on a specific time period after an event or action, apply the retention period after the action is complete.

**Retention Definitions:**

**COA=Completion of Audit.** Note that COA is coupled with a lot of 5-year entries to help encourage regular audits. Not all jurisdictions are required to have audits by statute. Audits for some municipalities are governed by the level of federal financing for bonds and public improvements, and thus are governed by federal retentions. Most municipalities are governed by their local authority (alderman, council, mayor, etc.) for auditing policy. Local jurisdictions may consult RSMo 29 to review the State Auditor's chapter for petition audits (see RSMo 250 for large capital projects such as bonds for water and sewer). For general auditing explanations and advice we recommend that clerks contact the State Auditor's office at 573.751.4213.

**DCA=Destroy in Current Area/Reference.** Series with these retentions are considered "reference" records and may be destroyed when they are no longer of use.

**Modifications and Additions**

Because records reflect activities that are constantly changing, the retention requirements for them sometimes require revision as well. Consequently, records retention and disposition schedules often need modification or additions in order to be realistic and effective. Furthermore, because local governments are so large, it is impractical to consult with every office regarding specific schedule entries. There may be some retention periods and disposition requirements within this schedule that fail to account for all relevant factors and there may be some important record series not addressed here which need to be added. The Local Records Program welcomes all comments and suggestions concerned with improvement of record retention schedules through modifications and additions.

**For further information on any records management or preservation issue, please contact:**

Missouri Secretary of State  
Local Records Preservation Program  
PO Box 1747, Jefferson City, MO 65101-1747  
Telephone: (573) 751-9047  
local.records@sos.mo.gov

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## Prosecutor Records Retention Schedule

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See also the [General Records Retention Schedule](#).

### Pros 001

*Also Called:*

*Function:*

*Content:*

*Retention:*

*Disposition:*

*Note:*

*Approval Date:*

### Charge File

Card File of Persons Charged; Felony Charge File; Misdemeanor Charge File

A listing of charges files, may be alphabetical by person or chronological by charge

May contain Name, charge, date of filing, and disposition

75 Years

Archive Microfilm

Obsolete record series

August 28, 2012.

### Pros 002

*Also Called:*

*Function:*

*Content:*

*Retention:*

*Disposition:*

*Note:*

*Approval Date:*

### Criminal Case Files

Felony Case File; Misdemeanor Case File; Extradition Files; Driving While Intoxicated File; Municipal Offenses

Record of proceedings against given defendant

From final disposition,

Murder 1 or 2 - 75 Years;

Manslaughter - 20 Years;

Chapter 566 Crimes - 30 Years;

All DWIs - 10 Years;

Other A and B Felonies - 10 Years;

Other Felonies - 5 Years;

Enhanceable Misdemeanors - 10 Years\*;

Misdemeanors, Infractions, Ordinance, or Other Violations - 3 Years

Destroy

See also: Pros 006 for Child Support Cases; \*Enhanceable misdemeanor--any misdemeanor offense that would be a felony offense upon subsequent findings of guilt.

August 28, 2012; Revised August 20, 2013; Revised August 19, 2014; Updated June 28, 2018

### Pros 003

*Also Called:*

*Function:*

*Content:*

*Retention:*

*Disposition:*

*Note:*

*Approval Date:*

### Civil Case Files

Suits against the county; Suits against county officials/employees; Suits brought by county

25 Years

Destroy

See Also: Pros 005 for retention of tax cases requested by Dept of Revenue

August 28, 2012

**Pros 004**

*Also Called:*

*Function:*

*Content:*

*Retention:*

*Disposition:*

*Note:*

*Approval Date:*

**Petitions for Review**

Civil Action on License Revocation; Refusal of Breath Test

Retain until final disposition

Destroy

Suits brought on behalf of the Dept of Revenue.

August 28, 2012

**Pros 005**

*Also Called:*

*Function:*

*Content:*

*Retention:*

*Disposition:*

*Note:*

*Approval Date:*

**Closed Civil Taxes Case Files**

Documents suits brought at the request of the MO Dept of Revenue

12 Years

Destroy

These files are considered closed when: 1) the taxes have been paid in full; 2) the judgment is no longer collectable; 3) the tax year(s) is no longer collectable and no judgment entered; 4) the taxpayer has moved and is no longer under the county's jurisdiction; 5) the Dept of Revenue has ordered the case closed.

August 28, 2012

**Pros 006**

*Also Called:*

*Function:*

*Content:*

*Retention:*

*Disposition:*

*Note:*

*Approval Date:*

**Child Support Cases**

Civil Child Support Cases; RUES Family Support Cases; Four-D Family Support Cases

5 Years After Final Judgment, or 1 Year after all children reach age of maturity, whichever comes first

Destroy

See Also: Pros 002 for Criminal Child Support Cases

August 28, 2012

**Pros 007**

*Also Called:*

*Function:*

*Content:*

*Retention:*

*Disposition:*

*Note:*

*Approval Date:*

**Search Warrant Files**

3 Years after final disposition

Destroy

August 28, 2012

## **Pros 008**

*Also Called:*

*Function:*

*Content:*

*Retention:*

*Disposition:*

*Note:*

*Approval Date:*

## **Deferred Prosecution Case Files**

Deferred Prosecution Case Files-Active; Deferred Prosecution Case Files-Inactive; Case Files Not Filed; Dismissals

1 Year

Destroy

August 28, 2012

## **Pros 009**

*Also Called:*

*Function:*

*Content:*

*Retention:*

*Disposition:*

*Note:*

*Approval Date:*

## **Traffic Enforcement Records**

Traffic Tickets--Paid; Traffic Tickets--Unpaid; Record of Traffic Charges Filed; Driving While Revoked

Retain until final disposition

Destroy

Per COR 8, the court is required to keep minor traffic 3 years after final disposition; serious traffic violations (misdemeanors) are kept 12 years after final disposition

August 28, 2012

## **Pros 010**

*Also Called:*

*Function:*

*Content:*

*Retention:*

*Disposition:*

*Note:*

*Approval Date:*

## **Check Charge Record**

Record of prosecutions of bad checks; or checks paid through prosecutor's office, those checks having no charges filed as the individual paid full restitution before charges were filed

May include amount of checks kited; date they are paid; date merchants reimbursed; date of disposition

Completion of Audit

Destroy

August 28, 2012

## **Pros 011**

*Also Called:*

*Function:*

*Content:*

*Retention:*

*Disposition:*

*Note:*

*Approval Date:*

## **Mental Health "Start Up" Files**

Document institutionalization of individuals

May Include: Notice of Admission; Application for Admission; Application for 96 Hour Detention, Evaluation and Treatment/Rehabilitation; Application for 96 Hour Imminent Harm Admission to a Mental Health or Alcohol and Drug Abuse Facility; Lists of Witnesses; Notice of Discharge/Voluntary Admission; Change in Attorney; Petition for Involuntary Detention and Treatment; Verification; Treatment Plan; Progress Notes; Medical and Psychiatric Assessment; Affidavit; Notice of Rights of Involuntary Patient/Client; Affidavit in Support of Application for Detention, Evaluation and Treatment/Rehabilitation, and Admission for 96 Hours

4 Days/96 Hours

Destroy

These records are copies, originals kept by the Dept of Health. These copies function for a brief time and are useful only until doctors reach a decision. After a decision, either way, these documents are no longer functional. If a citizen is committed, a medical case file is begun at the hospital; If the citizen must be investigated at a future date, then new documents must be submitted.

August 28, 2012